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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

<p>STATE OF UTAH, et al., Plaintiffs, v. DOUG BURGUM, in his official capacity as Secretary of the Interior, et al., Defendants, and SOUTHERN UTAH WILDERNESS ALLIANCE, Intervenor-Defendant.</p>	<p>Case No. 2:24-cv-00172-TS-DAO</p> <p>UNOPPOSED MOTION TO AMEND ADMINISTRATIVE APPEAL SCHEDULING ORDER</p> <p>District Judge Ted Stewart Magistrate Judge Daphne A. Oberg</p>
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Federal Defendants—Doug Burgum, in his official capacity as Secretary of the Interior, the Department of the Interior, the Bureau of Land Management (“BLM”), and Jon Raby, exercising the delegated authority of the Director of BLM—respectfully move for an additional 90-day extension of time under the current briefing schedule, ECF No. 45, for filing their response brief.

The parties have conferred. Plaintiffs—the State of Utah, the Utah School and Institutional Trust Land Administration, and Emery County—do not oppose this motion. Intervenor—the Southern Utah Wildlife Alliance—takes no position on the motion.

A proposed order is submitted herewith.

Defendants request an amended scheduling order that will establish the following deadlines:

- a. Federal Defendants’ Response Brief: **July 28, 2025**
- b. Intervenor-Defendant’s Response Brief: **August 18, 2025**
- c. Plaintiffs’ Reply Brief: **September 15, 2025**

Procedural Background

Plaintiffs challenge the BLM’s October 22, 2022 Decision Record on the San Rafael Desert Travel Management Plan: Reconsideration of Routes as Required by the 2022 Settlement Agreement (“Reconsideration Decision”). ECF No. 37. Upon the parties’ motion, the Court entered its first scheduling order on May 30, 2024. ECF NO. 28. On August 21, 2024, Federal Defendants lodged the Administrative Record in this case. ECF No. 30. On September 26, 2024, Plaintiffs moved to amend their complaint, vacate the old scheduling order, and enter a new scheduling order. ECF Nos. 31, 32. On September 27, 2024, the Court granted these motions. ECF Nos. 33, 34.

On January 16, 2025, Plaintiffs filed their opening brief on the merits. ECF. No. 38. In order to afford time for the Department of the Interior and incoming Executive Branch officials to review the case and the underlying Reconsideration Decision, Federal Defendants twice moved to amend the scheduling order to extend their time to respond to Plaintiffs' motion. ECF No. 41 (Feb. 14, 2025); ECF No. 44 (Mar. 20, 2025). The Court granted both motions. ECF Nos. 43, 45. Federal Defendants' response brief is currently due on April 29, 2025. ECF No. 45.

Standard of Review

The Federal Rules of Civil Procedure authorize the court to extend deadlines "for good cause." FED. R. CIV. P. 6(b). Similarly, a scheduling order may be modified "only for good cause and with the judge's consent." FED. R. CIV. P. 16(b)(4). "[I]n the Tenth Circuit, good cause 'requires the movant to show the scheduling deadlines cannot be met despite [the movant's] diligent efforts.'" *S.G. by & through Gordon v. Jordan Sch. Dist.*, 333 F.R.D. 220, 224 (D. Utah 2019) (quoting *McCubbin v. Weber Cty.*, No. 1:15-CV-132, 2018 WL 6602210, at *5 (D. Utah Dec. 17, 2018) (quoting *Gorsuch, Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1240 (10th Cir. 2014)). Nevertheless, the good cause requirement "should be liberally construed to advance the goal of trying each case on the merits." *Rachel v. Troutt*, 820 F.3d 390, 394 (10th Cir. 2016).

Analysis

Federal Defendants have good cause for their motion to amend the scheduling order. As indicated in the previous motion for extension, there have been personnel changes in the Department of the Interior, and newly arriving and acting leadership require additional time to determine how to proceed in this litigation. ECF No. 44. There have been additional personnel changes since March 13, 2025, when the Court granted that motion and last modified the

scheduling order. And additional related cases involving BLM Utah travel management actions have also continued to complicate these efforts, including *BlueRibbon Coalition v. Bureau of Land Management*, Case No. 4:25-cv-00022-DN (filed March 5, 2025) and *BlueRibbon Coalition v. Bureau of Land Management*, Case No. 4:25-cv-00044-AMA-PK (filed April 10, 2025). Federal respondents are acting with diligence, but they still require more time to review the legal and factual issues raised by this case.

Postponing review in this case will also advance the goal of judicial economy. Should Federal Respondents decide to revise its Reconsideration Decision, this case could become moot. *See Am. Petroleum Inst. v. EPA*, 683 F.3d 382, 386–87 (D.C. Cir. 2012) (“Postponing review can also conserve judicial resources, and it comports with our theoretical role as the governmental branch of last resort.”). An extension will also help ensure that any litigation continuing before this Court will reflect the views of current agency leadership. *See id.* (postponing review will “protect[] the agenc[y] from judicial interference” in an ongoing decision-making process.”) (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 148 (1967)).

Conclusion

Federal Defendants are diligently working to familiarize themselves with the issues presented by this case and to determine how to best implement the policy of the United States. Defendants therefore request a 90-day extension of time under the current briefing schedule.

Respectfully submitted this 22nd day of April 2025.

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